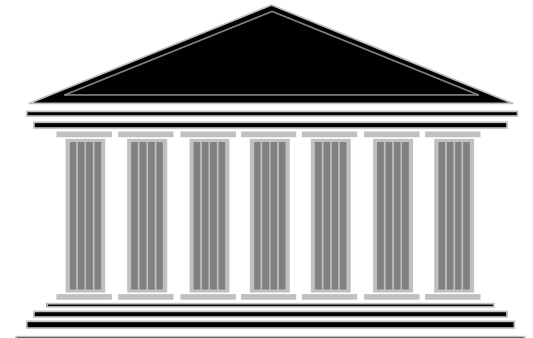
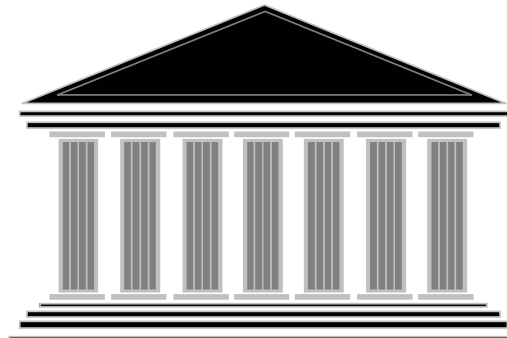


The Michigan Court System

Three Branches of Government

- Legislative
- Executive
- Judicial



State and Federal Courts

■ STATE COURTS

- Hear civil and criminal cases based on state law.
(Contracts, family law, wills, traffic violations, most crimes.)

■ FEDERAL COURTS

- Hear civil cases based on state law involving citizens of different states.
- Hear civil and criminal cases based on federal law.
(Copyright, admiralty, patents, civil rights, mail fraud, drug crimes.)

Federal Courts



- District Court (“Trial Court”)
- Court of Appeals (“Intermediate Appellate Court”)
- U.S. Supreme Court (“Court of Last Resort”)



Michigan Courts

- Trial courts
- Appeal to Michigan Court of Appeals
- Appeal to Michigan Supreme Court*

*A further appeal to the U.S. Supreme Court (the highest federal court) may be taken from the Michigan Supreme Court only if a federal law is involved, and the U.S. Supreme Court agrees to hear the case.



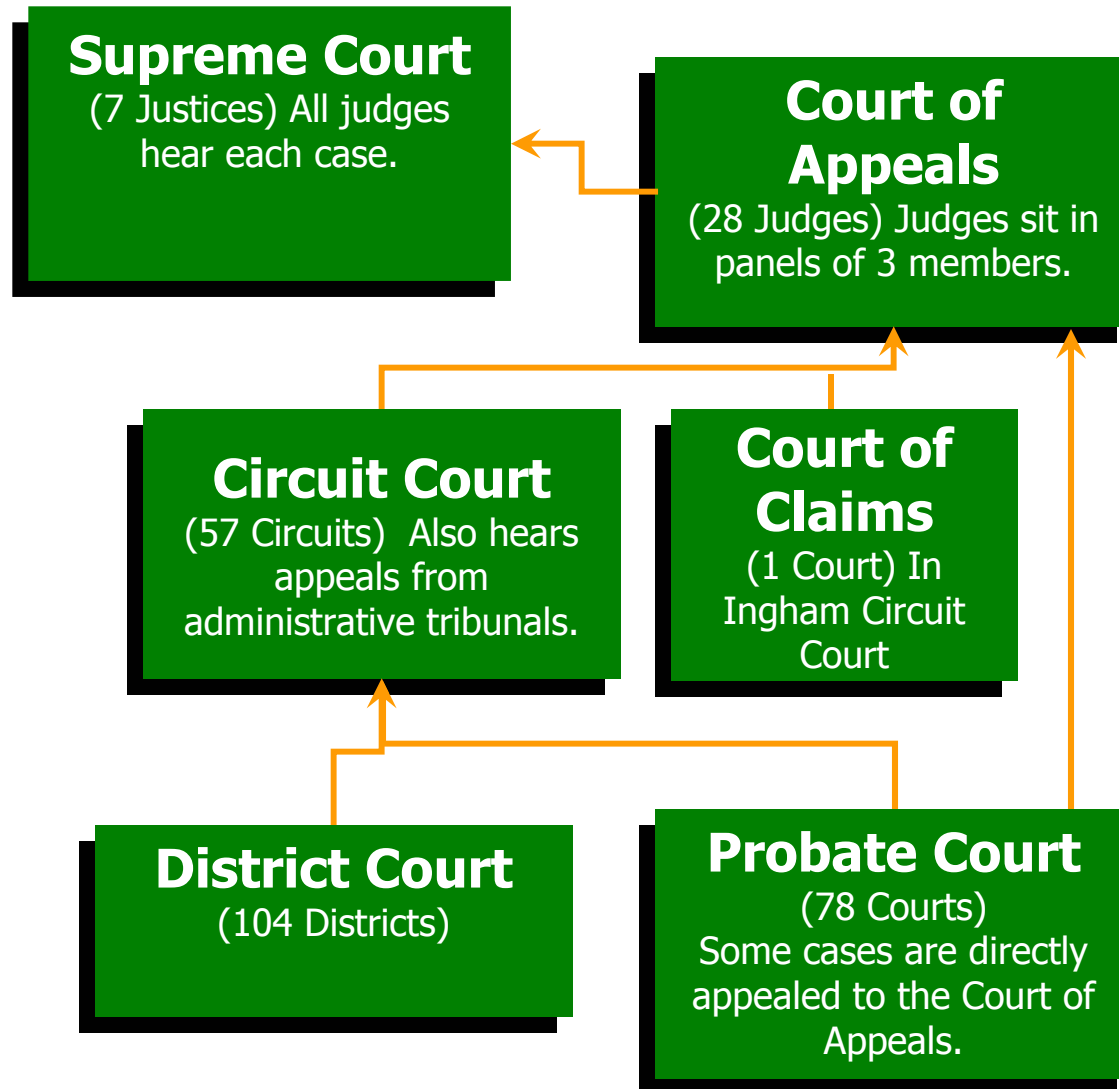
Michigan Trial Courts

- Circuit Court*
- District Court
- Probate Court
- Court of Claims

*The circuit court also hears some appeals from district and probate courts, and from administrative cases that are initially heard before administrative agency tribunals in the executive branch of government.

Michigan's Judicial System

(621 Judges; 246 Courts)



Jurisdiction—District Court

- Civil cases involving \$25,000 or less
- Traffic violations
- Trials of adult crimes punishable by a maximum sentence of 1 year in jail (Misdemeanors)
- Initial proceedings in all other criminal cases

Jurisdiction—Probate Court

- Wills and estates
- Protection of incompetent persons

Court of Claims, Administrative Tribunals

- Court of Claims: Hears civil suits against the State of Michigan
- Administrative agency tribunals: Hear disputes between citizens and the agency. These are not part of the court system; administrative decisions come into the court system on appeal.

Jurisdiction—Circuit Court

- Trial of adult crimes punishable by more than 1 year in prison (Felonies)
- Civil suits involving more than \$25,000
- Certain appeals from district and probate courts, and from administrative agency tribunals.
- Family law cases

Family Division of Circuit Court

- Created January 1, 1998, to hear family-related cases formerly heard in both Circuit and Probate Courts
- “Unified Family Court”
- Family Division Jurisdiction
 - Divorce and related matters
 - Adoption
 - Juvenile delinquency
 - Child abuse and neglect

Selection of Jurors

- Jurors are randomly selected from list of licensed drivers and persons with personal identification cards.
- Jurors cannot be required to be on jury duty more than once per year.
- (Until 1987, jurors were selected from list of registered voters.)

Qualifications of Jurors

- 18 years of age or older
- Conversant in English language
- Not be convicted of a felony

Number of Jurors

- 12 jurors for each felony trial
- 6 jurors for each misdemeanor trial
- 6 jurors for each civil trial

Juries' Responsibilities in Criminal Cases

- To determine whether defendant is guilty or not guilty
- Jury's verdict must be unanimous
- Prosecutor must prove defendant's guilt beyond a reasonable doubt
- Juries are not responsible for sentencing in criminal cases

Juries' Responsibilities in Civil Cases

- To determine whether defendant is civilly liable to plaintiff for damages
- Verdict must be agreed upon by a majority of the jurors (5 of 6)
- Plaintiff must prove its case by a preponderance of the evidence

Michigan Criminal Procedure

Types of Crimes

■ MISDEMEANORS

- Less serious crimes, such as shoplifting, assaults without weapons.
- Punishable by incarceration for 1 year or less.
- Trial in district court by jury of 6.

■ FELONIES

- More serious crimes, such as murder, rape, kidnapping, drug crimes.
- Punishable by imprisonment for more than 1 year.
- Trial in circuit court by a jury of 12

Arrest Procedures

■ WITHOUT A WARRANT

- No warrant required for a felony arrest if there is probable cause to believe the defendant committed the crime.
- No warrant required for a misdemeanor arrest if the police saw the crime being committed.

■ WITH A WARRANT

- With a warrant, the police may arrest a person for either a felony or a misdemeanor.
- The police may get a warrant from a district court judge after getting authority to do so from the prosecutor's office.

Participants in a Criminal Case

- The People of the State of Michigan.
- The prosecutor.
- The police.
- The victim.
- The defendant.
- The defendant's attorney.
- The judge.
- The jury.

Felony Arraignments

- Take place in district court.
- Must take place within 48 hours of arrest.
- The judge sets bail in most cases.
- The judge appoints a lawyer for an indigent defendant.
- The judge sets a date for a preliminary examination of defendant. (The examination must be within 14 days of arraignment.)

Misdemeanor Arraignments

- Misdemeanor arraignments take place in district court.
- If the defendant is in custody, arraignment must take place within 48 hours of arrest.
- If the defendant is not in custody, arraignment must take place within the time set on the summons.

Misdemeanor Arraignments (continued)

- The defendant pleads guilty or not guilty.
- If the plea is not guilty, the judge sets bail, appoints a lawyer (if the defendant is indigent), and sets the trial date.
- If the plea is guilty, the judge begins sentencing proceedings.

Felony Preliminary Examinations

- Take place in district court.
- Must take place within 14 days of arraignment.
- The prosecutor presents testimony from witnesses (such as the victim and police officers) to establish probable cause that the defendant committed the crime.

Felony Preliminary Examinations (continued)

- The judge decides whether the prosecutor's evidence is sufficient to hold the defendant for trial.
- If the evidence is sufficient, the defendant is "bound over" for trial in circuit court.
- If the evidence is not sufficient, the case is dismissed.

Trial

- The defendant may choose to try the case before the judge alone or before a judge and jury.
- The prosecutor must prove the defendant's guilt beyond a reasonable doubt.
- The prosecutor presents evidence first. The defendant's lawyer cross-examines the prosecutor's witnesses.

Trial (continued)

- The defendant presents evidence next. The prosecutor cross-examines the defendant's witnesses.
- The judge's role is limited to making legal rulings, typically on the admissibility of the parties' evidence.
- The jury's role is to decide whether the defendant is guilty or not guilty. If there is no jury, the judge decides this.

Sentencing

- The judge imposes sentence in a separate proceeding after the trial.
- If an indigent defendant was denied a court-appointed lawyer at trial, no jail sentence is allowed.
- Before sentencing, the judge will receive a presentence report that describes the defendant's background and prior criminal history.

Sentencing (continued)

- The jury has no role in the sentence; however, the judge must hear from the victim and defendant.
- Maximum sentences are set by statute, and may include imprisonment, fines, probation, or community service.